

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Tribal Welfare-West Godavari-Revision Petition filed Under Section 6 of A.P.S.A.L.T.R. 1959, by Sri Penuboyina Lakshmi and 8 others R/o Kannapuram-West Godavari District against the orders of the Agent to Government, Eluru in S.R.A No:1/92 Dated:29-12-2000-Dismissed-Orders-Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O.Ms.No:193

Dated.21-10-2008
Read the following:-

1. From Sri K.Rama Krishna Counsel for the Revision Petitioners dt:16-9-2001.
2. Government Memo No:15059/LTR-1/2001-1, dt:29-10-2001.
3. From Collector, West Godavari District ROC F4/8810/2001 dt:24-5-2005.
4. Government Letter No:15059/LTR-1/2001, dt:3-4-2007 and 7-6-2007.

ORDER

In the reference 1st read above Penuboyina Lakshmi and 8 others have filed a Revision Petition before the Government against the orders of the Agent to Government, Eluru in S.R.A. No:1/92 dt:29-12-2000 in respect of Land Measuring Acres 11.76 cents covered by R.S No.91, 93, 102 and 104 of Laxmipuram (V), Buttaigudem (M), West Godavari District. The main grounds of the appellants in the Revision Petition among others are hereunder:

- i) The pattas granted in favour of the petitioners for the land in question after regulation 1/70 came into force are null and void, is not correct.
- ii) The Bhoodan Yagna Board is a statutory body which granted the land under dispute on patta to the petitioners. Hence, there is no transfer of land and the LT Regulations are not at all attracted.
- iii) The land under dispute has been in possession and enjoyment of non-tribals only from the inception i.e. even prior to 3.2.1970.

2. The brief history of the case is that Sri Kisina Musalaiah & Lakumaiah S/o Kovvadaiah of Lakshmipuram village, filed a complaint before the Special Deputy Collector (TW), Kota Ramachandrapuram, West Godavari District Under Section 3 (2) (a) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 1959 as amended by Regulation 1/1970 stating that the lands in Sy.Nos.91, 93, 102 & 104 measuring total extent of Acres 11.76 cents situated in Laxmipuram Village, an agency area are in possession and enjoyment of the respondents who are non-tribals in contravention of Sub-Section (1) of section 3 of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/59 as amended by Regulation 1/70 and requested that the said lands may be taken possession after ejecting respondent and declaring that the transactions are null and void under the provisions of the said regulation and they may be ordered to be assigned to the eligible landless poor tribals. The Special Deputy Collector (TW), Kota Ramachandrapuram, West Godavari District, after examining the evidence educed, the records made available and the copies of the pattas granted by the A.P Bhoodan Yagna Board, Hyderabad on 10-6-1980, observed that the respondents got the lands in question after Regulation 1/70 came into force. The respondents are non-tribals. The lands are registered in the Survey Records in the name of non-tribal. Therefore, the land granted on patta by the Bhoodan Yagna Board is null and void as per Section 3 (1) (a) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/59 as amended by Regulation 1/70 and respondents are liable to be ejected from the schedule lands Under Section 3(2)(a) of the regulation. Hence Under Section 3(2)(b) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/59 as amended by regulation 1/70 the Special Deputy Collector (TW), Kota Ramachandrapuram in his proceedings in SR No.278/91 dt:10-12-1991 the lands in question ordered to assign the lands among the eligible tribals, and Mandal Revenue Inspector, Buttayagudem was directed to take possession of the land from the respondents and ejecting from the scheduled mentioned lands and the lands be assigned to eligible Tribals. Aggrieved by the orders of the Special Deputy Collector

(TW), Smt.Penuboyina Lakshmi and 8 others filed an appeal before the Agent to Government. The Agent to Government after perusal of the records held that the Bhoodan Yagna Board, Hyderabad has granted pattas for the Schedule land to the appellants, which is contrary to law. According to the R.S.R. 1933 of Lakshmipuram village, Sri Geda Garataiah is the pattedar of the land. It is not explained as to show how the Bhoodan Yagna Board has acquired the title over the scheduled land. Moreover the appellants has also failed to produce the pattas granted by the Tahsildar, if any, under the Rule 11 of the Rules framed under A.P. Bhoodan Gramdan Act.,1965, in pursuance of the proceedings issued by the Bhoodan Yagna Board. The pattas granted by the Board show that they transferred the lands through their proceedings dt:10-6-1980 in favour of Penuboyina Lakshmi and 8 others is after Regulation 1/70 came into force. Hence the Agent to Government upheld the order of Special Deputy Collector (TW), vide S.R.A. No:1/92 dt: 29-12-2000. Aggrieved by the order of the Agent to Government a Revision Petition has been filed before the Government.

3. In the reference 2nd read above, the Agent to Government, West Godavari District was requested to furnish parawise remarks and case records and the same were received through the reference 3rd read above. After examination of the case records notices were issued to the concerned to attend the hearing of the Revision Petition on 9-4-2007 and 16-6-2007 through the reference 4th read above. The Legal Heir of Revision Petitioner (Penuboyina Mahalakshmi) viz Penuboina Raju present.

4. Government, after careful examination of the material evidence on record found that :

- i) The petitioners are non-tribals and the respondent 1 herein belongs to Nayak Community (ST). The Bhoodan Yagna Board, Hyderabad, issued orders allotting the schedule land to the petitioners U/s.14 (1) of A.P. Bhoodan Gramdan Act, 1965 on 10.6.1980 i.e. after the regulation 1/59 as amended by regulation 1/70 came into force. The respondents were informed that the Tahsildar will issue pattas to the land mentioned therein as per Rule (11) of the Rules framed under the said Act.
- ii) The land has to be assigned to the tribals only in the Agency area as per Regulation 1/59 as amended by Regulation 1/70. The Bhoodan Yagna Board has granted pattas for the schedule land to the petitioners, which is contrary to law.
- iii) According to the RSR 1933 of Lakshmipuram, an agency village, Sri Geda Gerataiah is the pattedar of the land. It was not explained to show as to how the Bhoodan Yagna Board had acquired the title over the schedule land. Moreover the petitioners also failed to produce the pattas granted by the Tahsildar, if any, under the Rule 11 of the Rules framed under A.P.Bhoodan Gramdan Act, 1965, in pursuance of the proceedings issued by the Bhoodan Yagna Board.
- iv) Since the village of Lakshmipuram is an agency village, and allotment/assignment/transfer of any land in favour of persons other than tribals after the regulation 1/59 as amended by 1/70 came into force is null and void as per section 3 (1) (a) and LTR which over-rides all other acts / rules.

5. Government after careful examination of the matter hereby uphold the orders of the Agent to Govt. West Godavari District at Eluru in SRA No.1/92, dated 29.12.2000 and dismiss the Revision Petition accordingly.

6. The Collector, West Godavari District / The Agent to Government, Kota Ramachandrapuram is requested to take necessary action in the mater.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,
Prl. Secretary to Government.

To

The Collector, West Godavari District.

(With RPAD of the following Records)

1.Case SRA No.1/1992 Containing CFP 118, NFP 14, Total 132 pages only.

2.S.R.No.278/91 pp-1-58
 The Addl. Agent to Government, Eluru, West Godavari District
 The Special Deputy Collector (TW), Kotaramachandrapuram, West Godavari Dist.
 Sri K.Ramakrishna, Advocate,
 LIG-96/2, IV Phase, KPHB, Hyderabad-72.
 Smt. Penuboyina Lakshmi,
 R/o Kannapuram, West Godavari District.
 Sri. Nalakani Satyanarayana,
 R/o Kannapuram, West Godavari District.
 Sri. Mathena Satyanarayan Raju,
 R/o Kannapuram, West Godavari District.
 Sri. Undurthi Venkata Ratnam,
 R/o Kannapuram, West Godavari District.
 Sri. Undurthi Brahmaiah,
 R/o Kannapuram, West Godavari District.
 Smt. Undurthi Venkataramana,
 R/o Kannapuram, West Godavari District.
 Sri. Undurthi Srinivas,
 R/o Kannapuram, West Godavari District.
 Smt. Undurthi Seshamma,
 R/o Kannapuram, West Godavari District.
 Sri. Kunisa Musalayya S/o Kovvadayya,
 Lakshmipuram (V) Buttaigudem (M), West Godavari District.
 The P.S to M (TW & RAID)
 SF/SC

// FORWARDED BY ORDER //

SECTION OFFICER